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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/044,430   | 01/11/2002  | Richard L. Davis     | 74411/20786                  | 8533             |
| 23380 7590 02/26/2007<br>TUCKER, ELLIS & WEST LLP<br>1150 HUNTINGTON BUILDING<br>925 EUCLID AVENUE<br>CLEVELAND, OH 44115-1414 |             |                      | EXAMINER<br>CHANDLER, SARA M |                  |
|  |             |                      | ART UNIT                     | PAPER NUMBER     |
|  |             |                      | 3693                         |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/26/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                               |                                   |  |
|------------------------------|-------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/044,430 | Applicant(s)<br>DAVIS, RICHARD L. |  |
|                              | Examiner<br>Sara Chandler     | Art Unit<br>3693                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-20, 23-33, 36-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20, 23-33, 36-42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 10/044,430 (01/11/02) filed on 01/06/07.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4, 6-20,23-33,36-42,44 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US Pub. No. 2003/0004850 in view of Scott, US Pub. No. 2004/0073507.

**Re Claim 1:** Li discloses a method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a

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predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] "The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid");

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by publishing the details of the RFQ to *selected suppliers* at the time specified by the buyer (step 32).);

displaying the bid/auction presentation for inspection to the plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).); and

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to

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submit a plurality of competitive bids (Li, [0058][0059] *"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"*[0061][0121]);

Li fails to explicitly disclose a method of management for procurement bidding comprising the steps of:

presenting bid results to the buyer for selection of winning bid from among the sellers.

Scott discloses a method of management for procurement bidding comprising the steps of:

presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] *"In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled."*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Li by adopting the teachings of Scott to provide a method of management for procurement bidding further comprising the steps of: presenting bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

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**Re Claim 17:** Li discloses a web-based method of management for procurement bidding comprising the steps of (Li, Figs. 6, 8-17,19-28 e.g., web-pages, "Microsoft Internet Explorer"):

receiving requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] "The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid");

electronically displaying the requirement information on a web page as a bid/auction presentation for inspection by a plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).);

utilizing an electronic interface to moderate a bid/auction based on the bid/auction

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presentation for a predetermined interval (Li, [0058][0059]*"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"*[0061][0121]); and

electronically enabling the plurality of sellers to input a plurality of competitive bids on the bid/auction presentation into a web page (Li, [0058][0059]*"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"*[0061][0121]).

Li fails to explicitly disclose a web-based method of management for procurement bidding comprising the steps of:

electronically presenting bid results to the buyer for selection of winning bid from among the sellers.

Scott discloses a web-based method of management for procurement bidding comprising the steps of:

electronically presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] *"In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled."*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Li by adopting the teachings of Scott to provide a web-based method of management for procurement bidding further comprising the steps of: electronically presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs.

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winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

**Re Claim 30:** Li discloses software for management of a network-based procurement process, the software embodied in a computer-readable medium and operable when executed on a computer to:

receive requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

package the requirement information into a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] "The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid");

display requirement information from a buyer as bid/auction presentation for inspection by a plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at

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the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32.);

moderate a bid/auction based on the bid/auction presentation for a predetermined auction interval (Li, [0058][0059]*"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"*[0061][0121]); and

enable the plurality of sellers to submit a plurality of competitive bids on the auction presentation (Li, [0058][0059]*"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"*[0061][0121]).

Li fails to explicitly disclose software for management of a network-based procurement process, the software embodied in a computer-readable medium and operable when executed on a computer to: present bid results to the buyer for selection of winning bid from among the sellers.

Scott discloses software for management of a network-based procurement process, the software embodied in a computer-readable medium and operable when executed on a computer to: present bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] *"In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled."*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Li by adopting the teachings of Scott to

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provide software for management of a network-based procurement process, the software embodied in a computer-readable medium and further operable when executed on a computer to: present bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

**Re Claims 2:** Li discloses a method wherein the predetermined transaction comprises at least one of goods and services to be provided from at least one of the sellers to the buyer (Li, [0011]"Requisitions can include a purchase of one or more items, the performance of one or more services" [0013[0097]]).

**Re Claim 3:** Li discloses a method wherein the goods and services are selected from a group including at least one of: products to be manufactured, non-resale retail items, shipping services, storage/warehousing services, general construction services, security services, fixtures, displays, design, installation, merchandising services, graphics products and services, supplies, building materials (Li, [0011]"Requisitions can include a purchase of one or more items, the performance of one or more services" [0013[0097]]).

**Re Claim 4:** Li discloses a method wherein the step of receiving required information comprises receiving information on at least one of specifications, technical parameters, and deadlines with respect to the predetermined transaction (Li, Fig. 2; [0004][0057]"buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other

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transaction terms would be required by the buyer in a prospective transaction with the supplier.”).

**Re Claim 6:** Li discloses a method comprising the step of selecting a plurality of sellers (Li, [0059] “The auction management software<sup>18</sup> executing at the server 12 opens the auction by publishing the details of the RFQ to *selected suppliers* at the time specified by the buyer (step 32).). Li fails to explicitly disclose method wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise. Scott discloses wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise (Scott, abstract, [0041]”the buyers and one or more pole personnel identify suppliers for participating in the auction. The most obvious sellers are those that have already been ‘qualified’ to supply the items being auctioned.”[0043][0056][0078][0092])). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Li and Scott to provide a method wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise. As suggested by Scott, one would be motivated to have a supplier capable of supplying the items needed by the organization.

**Re Claim 7:** Li discloses a method wherein, following the step of displaying the bid/auction presentation, a step is provided of soliciting feedback so as to enable the

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sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation (Li, [0060] "the buyer now has an opportunity to negotiate with individual suppliers.").

**Re Claim 8:** Li discloses a method wherein the comments obtained from the step of soliciting feedback are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments (Li, [0060] "the buyer now has an opportunity to negotiate with individual suppliers.").

**Re Claim 9:** Li discloses a method wherein, prior to the step of moderating an auction, a step is provided for soliciting a closed bid from each of the plurality of sellers, wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined auction interval (Li, [0102][0112][0113]).

**Re Claim 10:** Li fails to explicitly disclose a method wherein, prior to the step of moderating an auction, a step is provided for establishing a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids. Official Notice is taken that it is old and well-known to change an auction formats depending on the types of products or services, the number of participants, and the objectives of the auction (e.g., auctions for procurement, online auctions etc.) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Li to provide a method wherein, prior to the step of moderating an auction, a step is provided for establishing a predetermined bid decrement to be used by the

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plurality of sellers in submitting competitive bids. One would have been motivated by profits, the desire to obtain the products services and the most desirable price or to have a pool of bidders with a positive track record of performance.

**Re Claim 11:** Li fails to explicitly disclose a method wherein the step of presenting bid results comprises presenting at least one report selected from at least one of:

bid/auction history, seller input, and seller comment history. Scott discloses a method wherein the step of presenting bid results comprises presenting at least one report selected from at least one of: bid/auction history, seller input, and seller comment history (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled."). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Li and Scott to provide a method wherein the step of presenting bid results comprises presenting at least one report selected from at least one of: bid/auction history, seller input, and seller comment history. One would have been motivated to aid in the buyer's decision making by presenting all the results.

**Re Claim 12:** Li discloses a method wherein the steps of displaying the bid/auction presentation for inspection to the plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).") and moderating a bid/auction for a predetermined auction interval are performed electronically over a network (Li, [0058][0059]"During the course of an auction interval

specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"[0061][0121]).

**Re Claim 13:** Li discloses a method wherein the steps of displaying the bid/auction for inspection to a plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).") and moderating a bid/auction for a predetermined auction interval are performed electronically over an Internet connection (Li, [0058][0059]"During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids"[0061][0121]).

**Re Claim 14:** Li discloses a method wherein the step of receiving a request for quote including requirement information from a buyer (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier."). Li fails to explicitly disclose a method wherein the step of presenting bid results to the buyer are performed electronically over a network. Scott discloses a method wherein the step of presenting bid results to the buyer are performed electronically over a network (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled."). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Li

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and Scott to provide wherein the step of receiving a request for quote including requirement information from a buyer and the step of presenting bid results to the buyer are performed electronically over a network. One would have been motivated to aid in the buyer's decision making by presenting all the results.

**Re Claim 16:** Li fails to explicitly disclose a method wherein the step of selecting a plurality of sellers comprises selecting sellers from an electronically retrievable database of sellers. Scott discloses a method wherein the step of selecting a plurality of sellers comprises selecting sellers from an electronically retrievable database of sellers (Scott, abstract, [0041]"the buyers and one or more pole personnel identify suppliers for participating in the auction. The most obvious sellers are those that have already been 'qualified' to supply the items being auctioned."[0043][0056][0078][0092])). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Li and Scott to provide a method wherein the step of selecting a plurality of sellers comprises selecting sellers from an electronically retrievable database of sellers. As suggested by Scott, one would be motivated to have a supplier capable of supplying the items needed by the organization.

**Re Claims 18 and 31:** Claims 18 and 31 contain features or limitations recited in Claim 2, therefore they are rejected under the same rationale.

**Re Claims 19 and 32:** Claims 19 and 32 contain features or limitations recited in Claim 3, therefore they are rejected under the same rationale.

**Re Claims 20 and 33:** Claims 20 and 33 contain features or limitations recited in Claim 4, therefore they are rejected under the same rationale.

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**Re Claims 23,24, 36 and 37:** Claims 23,24, 36 and 37 contain features or limitations recited in Claim 6, therefore they are rejected under the same rationale.

**Re Claim 25 and 38:** Claims 25 and 38 contain features or limitations recited in Claim 7, therefore they are rejected under the same rationale.

**Re Claims 26 and 39:** Claims 26 and 39 contain features or limitations recited in Claim 8, therefore they are rejected under the same rationale.

**Re Claims 27 and 40:** Claims 27 and 40 contain features or limitations recited in Claim 9, therefore they are rejected under the same rationale.

**Re Claim 28 and 41:** Claims 28 and 41 contain features or limitations recited in Claim 10, therefore they are rejected under the same rationale.

**Re Claim 29 and 42:** Claims 29 and 42 contain features or limitations recited in Claim 11, therefore they are rejected under the same rationale.

**Re Claim 44:** Li discloses a method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

packaging the requirement information into a bid/auction presentation for the predetermined transaction (Li, Fig. 2; [0057] "The data in the RFQ thus defines a set of

buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid"); selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction (Li, [0059] "The auction management software 18 executing at the server 12 opens the auction by publishing the details of the RFQ to *selected suppliers* at the time specified by the buyer (step 32).); displaying the bid/auction for inspection to the plurality of sellers (Li, [0059] "The auction management software 18 executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32); and moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (Li, [0058][0059] "*During the course of an auction interval specified by the buyer*, one or more suppliers respond to the RFQ by submitting bids"[0061][0121]).

Li fails to explicitly disclose a method of management for procurement bidding comprising the steps of:  
wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise;; and  
presenting bid results to the buyer for selection of winning bid from among the sellers.

Scott discloses a method of management for procurement bidding comprising the steps of:

wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise (Scott, abstract, [0041])"the buyers and one or more pole personnel identify suppliers for participating in the auction. The most obvious sellers are those that have already been 'qualified' to supply the items being auctioned."[0043][0056][0078][0092]); and presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

It would have been obvious to one of ordinary skill in the art at the time the inventions was made to modify the teachings of Li by adopting the teachings of Scott to provide a method of management for procurement bidding comprising the steps of: wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise; and presenting bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

**Re Claim 45:** Li discloses a method of management for procurement bidding comprising the steps of:

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receiving a request for quote including requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

packaging the requirement information into a bid/auction presentation for the predetermined transaction (Li, Fig. 2; [0057] "The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid");

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by publishing the details of the RFQ to *selected suppliers* at the time specified by the buyer (step 32).);

displaying the bid/auction for inspection to the plurality of sellers (Li, [0059] "The auction management software<sup>18</sup> executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).);

soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's

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comments (Li, [0060] "the buyer now has an opportunity to negotiate with individual suppliers."); and

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (Li, [0058][0059] "*During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids*"[0061][0121]).

Li fails to explicitly disclose a method of management for procurement bidding comprising the steps of: presenting bid results to the buyer for selection of winning bid from among the sellers.

Scott discloses a method of management for procurement bidding comprising the steps of: presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Li by adopting the teachings of Scott to provide a method further comprising the steps of: presenting bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

### ***Response to Arguments***

Applicant's arguments filed 01/06/07 have been fully considered but they are not persuasive.

The Claims were given their broadest reasonable interpretation.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)

See also MPEP § 2111

Applicant argues the prior art fails to explicitly disclose:

wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction; and

wherein the step of receiving required information comprises electronically receiving the information from input fields on a web page for submitting information on at least one of specifications, technical parameters, and deadlines with respect to the predetermined transaction.

"RFQ's" involve allowing competitors (e.g., suppliers) to enter a bidding process to bid on specific products and/or services. Inherent, in the evaluation of these bids is the need to compare each of the bids ability to satisfy requirements (e.g., price, payment or shipping terms, quality, specifications, descriptions etc.).that are sought (e.g, by the buyer). In Li, the requirements are called "buyer constraints" and are made known to the suppliers so that they may "formulate their bid". Formulating a bid is the same as expressing the bid in a precise, systematic or standard form. Furthermore, the

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"auction process" is published. Publishing is the same as producing and presenting something publicly.

As for the argument that it is novel to receive the requirements or required information as input fields on a web page. Broadly providing automatic or mechanical means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 120 USPQ 192 (CCPA 1958)  
*In re Rundell*, 9 USPQ 220.

Applicant argues the prior art fails to explicitly disclose: wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined auction interval.

Li discloses closed bids. Inherent in an auction where closed bids are accepted, the bids submitted in closed bids will create a minimum floor or benchmark (i.e., opening auction bidding level) that is necessary to successfully win the auction.

Applicant argues the prior art fails to explicitly disclose: wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise.

Applicant fails to define what is "appropriate." Thus, the term "appropriate" is interpreted as suitable for or fitting for a particular purpose, person or occasion. Scott discloses a category of sellers that are "appropriate", those that have been qualified to supply the items that have been auctioned.

Applicant argues the prior art fails to explicitly disclose: soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more

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information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments.

A negotiation is the mutual discussion and arrangement of the terms of transaction or agreement between one or more parties. Li discloses a negotiation involving a buyer and one or more sellers. The discussion that occurs during a negotiation can involve a back and forth exchange of information, the solicitation of feedback etc. but it ultimately results in the development of the terms of the transaction or agreement. In Li this development process is called "adjustments" and in the claimed invention it is called "proposed alternatives."

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Official Notice has not been taken to reject claim limitations in this Office Action or in the Office Action (07/05/06). Applicant argues in the Amendment (01//06/07), "If the Examiner is relying on 'common knowledge' or 'well known' art to provide the

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missing limitations, the Examiner is respectfully requested to produce a reference in support of this position as required by M.P.E.P. § 2144.03."

Adequate traversal is a two-step process. First, applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires applicant(s) to specifically point out the supposed errors in the Office Action, applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while applicant(s) have clearly met step (1), applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. See MPEP 2144.03.

Thus, it is unclear what Official Notice arguments applicant is referring to and any attempted traversal of the supposed Official Notice is inadequate.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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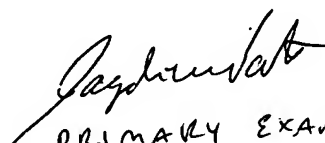
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC

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PRIMARY EXAMINER  
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